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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,138	05/24/2001	Elmootabellah Nabil Elnozahy	AUS920010124US1	1090
26837	7590	06/28/2004	EXAMINER	
LALLY & LALLY LLP PO BOX 684749 AUSTIN, TX 78768-4749			NAJJAR, SALEH	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/864,138

**Applicant(s)**ELNOZAHY, ELMOOTABELLAH  
NABIL**Examiner**

Saleh Najjar

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2157

1. This action is responsive to the application filed on May 24, 2001. Claims 1-20 are pending. Claims 1-20 represent apparatus and method for optimistic processing of network frames to reduce latency.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell et al., U.S. Patent No. 6,678,746.

Russell teaches the invention substantially as claimed including a system and method for processing network packets so that header and data portions are processed in parallel (see abstract).

As to claim 1, Russell teaches a network server attached to a network and configured to receive a packet from a client over the network, the server comprising:

a parser configured to identify a network portion of the request and a data portion of the request (see figs. 1-6; col. 4, line 19, Russell discloses a packet parser for identifying a network portion and a data portion);

a verifier configured to receive the network portion of the request identified by the parser and, responsive thereto, to verify the integrity of the packet (See col. 4, lines 20-35, Russell discloses an adapter processor for verify the network header information of the packet);

an application program configured to receive the data portion of the packet identified by the parser and, responsive thereto, to retrieve the requested data (see col. 4, lines 40-60, Russell discloses that the data portion of the packet is directed to the host application for processing); and

wherein the server is configured to execute the parser and the application program simultaneously and further wherein the server is configured to abort the retrieval of the requested data responsive to detecting a fault in the network portion (see col. 4-5).

Russell fails to teach the claimed limitation wherein the packet is a request packet.

However, "Official Notice" is taken that the concept and advantages of a request packet transmitted from a client to the server is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Russell by specifying the packet transmitted to the host as a request packet since most data transmitted from client to host represent request packets.

As to claim 2, Russell teaches the server of claim 1, wherein the packet comprises a TCP/IP formatted packet (see col. 4-5).

As to claim 3, Russell teaches the server of claim 1, wherein the network portion includes the TCP and IP headers of the packet (see co. 4-6).

As to claim 4, Russell teaches the server of claim 3, wherein the data portion comprises the application layer header of the packet and the data (see col. 4-5).

As to claim 5, Russell teaches the server of claim 4, wherein the application layer header comprises an HTTP header (see col. 4-5).

As to claim 6, Russell teaches the server of claim 1, wherein the server includes multiple processors and wherein the verifier executes on a first of the processors while the application program executes on a second of the processors (see col. 4-6).

As to claim 7, Russell teaches the server of claim 1, wherein the server includes a network interface card with an embedded processors, and wherein the verifier executes on the embedded processor while the application program executes on a server processor (see figs. 3-6; col. 4-5).

Claims 8-20 do not teach or define any new limitations above claims 1-7 and therefore are rejected for similar reasons.

Art Unit: 2157

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157